

AGN. NO. _____

MOTION BY SUPERVISORS KUEHL AND ANTONOVICH

October 6, 2015

In 2011, the State of California adopted Assembly Bill 109, also known as Public Safety Realignment. AB109 allows (a) offenders with non-violent, non-serious, and non-sexual cases (N3s) to serve their sentence in county jails instead of in state prisons and (b) authorizes Post-Release Community Supervision (PRCS) for certain non-violent, non-serious offenders being released from State Prisons. AB109 was California's solution for reducing the number of inmates in the state's 33 prisons and provides counties with latitude to implement community support aimed at reducing recidivism and promoting crime-free lives.

Achieving these goals will require the elimination of complicated segmentation of the AB109 population and fragmentation in service delivery by the six major County departments associated with AB109. The County currently provides community support in the form of mental health treatment, substance abuse treatment, housing, health care and employment programs for two populations: (a) formerly incarcerated individuals who receive Post-Release Community Supervision and (b) individuals who serve "split sentences" in the county jails, in which offenders are sentenced to a set amount of jail time and a set amount of post-release probation, which counts toward their maximum confinement time. The County should clarify its policy concerning services to other

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offender groups, specifically: (c) offenders who serve straight sentences, (d) offenders who have had a felony conviction reduced to a misdemeanor under Proposition 47, and (e) offenders who are released from State prisons under Proposition 36, which reformed “three strikes” sentencing. The differentiation between these different groups of formerly incarcerated individuals is arbitrary as it relates to their need for community support, even though the public’s interest in preventing recidivism is the same.

Additionally, many formerly incarcerated individuals struggle with co-occurring mental health and substance use disorders, complicated by the frequency of homelessness and unemployment among this population. For these men and women, the provision of integrated treatment combined with housing and employment assistance – such as the Multidisciplinary Integrated Teams and the Just In Reach and Breaking Barriers programs – is critical to their ability to live productive lives in their communities.

WE, THEREFORE, MOVE that all County departments that provide support and treatment services to the Post-Release Community Supervision and Split Sentence AB109 population expand the pool of eligible populations to include:

- a. Straight sentenced offenders under Penal Code Section 1170(h);
- b. Proposition 47 Offenders, including those re-sentenced and/or released from County jails or State prisons under the provisions of Proposition 47, which reclassified certain criminal offenses from felonies to misdemeanors; and
- c. Proposition 36 Offenders, including those re-sentenced and/or released from County jails or State prisons under the provisions of Proposition 36, which reformed sentencing guidelines for “Three Strikes” offenses.

WE, FURTHER, MOVE that the County’s Public Safety Realignment Team include progress reports on the above policy in their quarterly reports to the Board of

Supervisors, including any modifications made to the existing referral policies and procedures to ensure integrated services, a breakdown of the number of offenders served in each of the offender categories identified in this motion as well as outcomes data.

S:SG/Public Safety Realignment Motion